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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,322	03/22/2004	Tom Testa	TES-0003	1746
23413	7590	02/24/2006	EXAMINER	
CANTOR COLBURN, LLP 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			ARK, DARREN W	
			ART UNIT	PAPER NUMBER
			3643	

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/806,322	Applicant(s) TESTA, TOM	
	Examiner Darren W. Ark	Art Unit 3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 19-22 is/are pending in the application.
- 4a) Of the above claim(s) 11-15, 19, 20 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 16, 17 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 11-15, 19, 20, and 22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 6/14/2005.

Claim Objections

2. Claim 3 is objected to because of the following informalities:

Claim 3, line 2, "material" should be changed to --materials--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-10, 16, 17, 21 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lirette 4,587,757.

Lirette discloses a rigid (12 can be made of metal) fishing accessory ring with a first aperture (32) configured to selectively engage a portion of the butt portion (see Fig.

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2); a second aperture (one of 16); a third aperture (other of 16 or 52); wherein the first, second, and third materials form a contiguous ("contiguous" defined as "1. Sharing a boundary or edge: TOUCHING.") article; and a rod shaft (of 11), a butt portion (of 11), and reel seat portion (of 11).

Lirette discloses a rod (see Fig. 2) with a shaft portion (of 11); a first material surrounding the shaft (32), a second material defining an aperture (16).

5. Claims 1-10, 16, 17, 21 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ferguson 1,719,695.

Ferguson discloses a first aperture (at 17); a second aperture (at one of 16); a third aperture (other of 16); wherein the first, second, and third materials form a contiguous (see Fig. 2) article.

Ferguson discloses a rod (see Fig. 1) with a shaft portion (10; rod not particularly claimed), a butt portion (lower end of 10 where 15 is engaged), and a reel seat portion (at 18 where 22 are engaged); a first material surrounding the shaft (at 17), a second material defining an aperture (at 16).

6. Claims 1-9, 16, 17, 21 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Byington 309,028.

Byington discloses a first aperture (B); a second aperture (one of A); a third aperture (other of A); wherein the first, second, and third materials form a contiguous ("contiguous" defined as "1. Sharing a boundary or edge: TOUCHING.") article.

Byington discloses a rod (see Fig. 1) with a shaft portion (E).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-10, 16, 17, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sokolik 2,556,403.

Sokolik discloses an elastic fishing accessory ring comprising a first aperture (defined by 14b in Fig. 3); a second aperture (one of 23b); a third aperture (other of 23b); wherein the first, second, and third materials form a contiguous ("contiguous" defined as "1. Sharing a boundary or edge: TOUCHING.") article; and a rod (21) with a shaft portion (see Fig. 2), butt portion (end of rod that is gripped) and reel seat portion (generally where reel can be mounted); a first material surrounding the shaft (at 14b), a second material defining an aperture (23b), but does not disclose the accessory ring being rigid. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the accessory ring rigid, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice, and because a rigid material would more assuredly prevent the penetration of a large hook from extending therethrough versus an elastic material and cause possible and dangerous exposure of the hook point. *In re Leshin*, 125 USPQ 416.

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9. Claims 1-9, 16, 17, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Pat. No. 11-346606 to Shoji et al.

Shoji et al. discloses an fishing accessory ring with a first aperture (1, 1a made of rubber); a second aperture (left occurrence of 2, 2a-c in Fig. 6); a third aperture (right occurrence of 2, 2a-c in Fig. 6); wherein the first, second, and third materials form a contiguous ("contiguous" defined as "1. Sharing a boundary or edge: TOUCHING.") article. but does not disclose the accessory ring being rigid. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the accessory ring rigid, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice, and because a rigid material would be more sturdy and difficult to break over an elastic material. *In re Leshin*, 125 USPQ 416.

Shoji et al. discloses a rod (see Fig. 1) with a shaft portion (7).

Response to Arguments

10. Applicant's arguments filed 12/27/2005 have been fully considered but they are not persuasive.

In regard to applicant's argument that "Sokolik...accessory ring is not rigid..." and "Shoji...D-ring which would not be sufficiently rigid to support a harness line...", the Examiner contends that making the accessory ring out of either elastic or rigid material would have been obvious to one having ordinary skill in the art depending upon the usage environment and material properties as desired by the user. Furthermore, the

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type of articles or equipment ultimately intended to be attached to the accessory ring of the prior art devices could be as vast as capable of fitting within their respective apertures. .

In regard to applicant's argument that "Lirette...harness configured to be worn around the waist of the user, and not to a fishing accessory ring...", the Examiner contends that applicant has not particularly recited the accessory ring with structure that defines over the Lirette patent.

In regard to applicant's argument that "Ferguson...directed to a fishing rod support configured to bolt to the deck of a boat...", the Examiner contends that the intended use of the Ferguson device does not preclude it from reading on the claims of the desired invention. Furthermore, the language within the claims does not clearly distinguish from Ferguson since all of the recited features are disclosed by Ferguson.

In regard to applicant's argument that "Byington...hook retainer that is slidable...not to a fishing accessory ring...to be securely engaged with a butt or reel seat portion...", the Examiner contends that applicant has not recited specific structure not shown or disclosed by Byington and that the first aperture of Byington is perfectly capable of engaging either a butt portion or reel seat as functionally recited by applicant.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ito 2003/0145509 discloses a fishing rod and accessory ring combination comprising a fishing rod shaft portion (1, 10) including a butt portion (2) and a reel seat portion (4); a rigid ring (metal ring 21) including a first aperture (21b) for engaging a portion of the reel seat portion; and a second aperture (26) adapted to engage an article of fishing tackle or hook (27, 28).

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

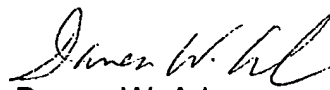
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Ark whose telephone number is (571) 272-6885. The examiner can normally be reached on M-Th, 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Darren W. Ark
Primary Examiner
Art Unit 3643

DWA